

Message Text

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PAGE 01 STATE 206052

10
ORIGIN L-03

INFO OCT-01 ARA-16 ISO-00 EB-11 H-03 COME-00 JUSE-00

CIAE-00 INR-11 NSAE-00 RSC-01 TRSE-00 AID-20 SS-20

NSC-07 SP-03 IO-14 PRS-01 FRB-03 CIEP-03 OPIC-12

XMB-07 /136 R

DRAFTED BY L/ARA:MTSAWYIER:MAD
APPROVED BY EB/IFD/OIA:RSMITH
L/ARA - MR. GANTZ

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R 182301Z SEP 74
FM SECSTATE WASHDC
TO AMEMBASSY PORT AU PRINCE

LIMITED OFFICIAL USE STATE 206052

E.O. 11652: N/A
TAGS: EFIN, EIND, HA
SUBJECT: CLARIFICATION OF CABLE, QUOTE PRIVATE COMMERCIAL
DISPUTES WITH GOH UNQUOTE
REF: STATE 200535

1. DEPT BELIEVES POINT 7 IN REFTEL NEEDS CLARIFICATION.
DISPUTE-RESOLUTION DEVICES MENTIONED DO NOT REPEAT NOT
REQUIRE RELIANCE ON SUBSTANTIVE LAWS OF NATIONS OTHER
THAN THE HOST NATION; RATHER, NO SUCH RELIANCE IS PER-
MITTED (AT LEAST FOR THE PURPOSE OF RESOLVING DISPUTES
CONCERNING PERFORMANCE) UNLESS THE HOST NATION AND THE
FOREIGN INVESTOR EXPRESSLY ASSENT THERETO.

2. HOWEVER, INTERNATIONAL LAW IS DEEMED TO FORM A PART
OF ANY NATIONAL LEGAL SYSTEM AND SUCH INTERNATIONAL LEGAL
PRINCIPLES AS THOSE GOVERNING STANDARDS OF COMPENSATION
ORDINARILY REMAIN APPLICABLE TO THE EXTENT LOCAL LAW
FAILS TO MEET THOSE STANDARDS. (ONLY WHERE THE PARTIES
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EXPLICITLY PROVIDE FOR A LESSER OR DIFFERENT STANDARD THAN

IS PROVIDED BY THE LAW OF THE NATION WHOSE SUBSTANTIVE LAW
IS OTHERWISE CONTROLLING DOES THE POSSIBILITY OF DEPARTURE
FROM THE GENERAL MINIMAL REQUIREMENTS OF INTERNATIONAL LAW
ARISE.) AS A MATTER OF POLICY, THE USG DOES NOT RECOGNIZE
THE EFFECTIVENESS OF CONTRACTUAL WAIVERS OF CERTAIN FUNDA-
MENTAL RIGHTS, SUCH AS THE RIGHT OF REPRESENTATION OF
INJURED CITIZENS' CLAIMS. KISSINGER

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NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: DISPUTE SETTLEMENT, ARBITRATION, TRADE COMPLAINTS, PRIVATE INVESTMENTS
Control Number: n/a
Copy: SINGLE
Draft Date: 18 SEP 1974
Decaption Date: 01 JAN 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: cunninfx
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Document Source: CORE
Document Unique ID: 00
Drafter: MTSAWYIER:MAD
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Film Number: D740262-0695
From: STATE
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1974/newtext/t19740934/aaaabckz.tel
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Locator: TEXT ON-LINE, ON MICROFILM
Office: ORIGIN L
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
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Previous Handling Restrictions: n/a
Reference: STATE 200535
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Review Authority: cunninfx
Review Comment: n/a
Review Content Flags:
Review Date: 17 SEP 2002
Review Event:
Review Exemptions: n/a
Review History: RELEASED <17 SEP 2002 by boyleja>; APPROVED <03 MAR 2003 by cunninfx>
Review Markings:

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30 JUN 2005

Review Media Identifier:
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Review Withdrawn Fields: n/a
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Status: NATIVE
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Type: TE
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